

REMARKS/ARGUMENT

Claims 1-23 remain pending, with claims 12-16 before the Examiner for consideration. Claims 1-11 and 17-23 are withdrawn as directed to a non-elected invention. Claim 16 has been amended to correct formal matters without change in scope. The remaining claims are unchanged. No new matter has been introduced.

Claim 16 has been objected to for informalities. By the present Amendment, claim 16 has been amended to correct the formal errors noted by the Examiner at page 2 of the Office Action. It is believed that the changes to claim 16 correct all of the errors noted by the Examiner.

Accordingly, it is respectfully requested that the objection to claim 16 be reconsidered and withdrawn.

Claim 15 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Pat. No 6,952,082 to Bruwer. Reconsideration of this rejection is respectfully requested.

The Examiner contends that Bruwer discloses substantially all of the features of claim 15 of the present application. However, the Examiner concedes that Bruwer does not disclose that the self-contained electrical circuit adapted to be removably inserted in series with a battery power source. The Examiner argues, that it would have been obvious to one of ordinary skill in the art to adapt the control device of Bruwer to make it removable and inserted in series with a battery power source in order to be easy to remove the battery cells. The Examiner argues that this is an obvious design choice. Applicant respectfully disagrees.

While the Examiner argues that the inclusion of “a self-contained electrical circuit adapted to be removably inserted in series with a battery power source for a battery powered load device,” is an obvious design choice, the Examiner has failed to provide any support for this assertion. It is well known that in order to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See M.P.E.P. §2143. Despite the Examiner’s position that the suggested modification is an obvious design choice, the Examiner apparently was unable to identify any reference that shows this feature.

In addition, there does not appear to be any benefit associated with the the modification suggested by the Examiner, and thus, there does not appear to be any apparent reason to make the modification suggested. The Examiner appears to argue that modifying the control device of Bruwer such that it is removably inserted in series with the battery power makes it easy to remove

the battery cells. However, the Examiner again fails to provide any support for this position. Further, there does not appear to be any connection between a removable control circuit and removable battery source. That is, there no reason that the control circuit has to be removable in order to allow the battery source to be removed. Thus, it is not believed that it would have been obvious to modify the circuit of Bruwer as suggested by the Examiner.

Accordingly, it is respectfully submitted that, claim 15, and the claims depending therefrom, are patentable over the cited art.

Claim 12 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bruwer in view of U.S. Pat. No 7,010,332 to Irvin et al. (hereinafter "Irvin"). Reconsideration is respectfully requested.

Claim 12 calls for:

A small thin disc configured and sized for insertion in a battery cavity between a load device and the battery having an automatic shut off timing device whose action is inhibited by a motion detector.

The Examiner argues that Bruwer discloses substantially all of the features of claim 12. The Examiner, however, argues that Bruwer does not disclose a motion detector for automatically shutting off the timing device. The Examiner argues that Irvin discloses this feature, and concludes that it would have been obvious to modify Bruwer to replace the touch pad with a motion sensor. Applicant respectfully disagrees.

As is well known, "[T]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." See M.P.E.P. §2143.01 III quoting *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) In the present application, the Examiner has failed to identify any such benefit. While the Examiner argues that modifying Bruwer to include the motion sensor provides a benefit of improved battery life and that this is taught by Irvin, this is incorrect. The apparatus of Bruwer is already intended to maximize battery life. Thus, there is no need or benefit to modifying it as suggested by the Examiner.

Accordingly, it is respectfully submitted that claim 12, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

Applicant appreciates the Examiner's indication that claims 13-14 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

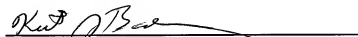
claims. Claims 13, 14 and 16 depend on claim 12. As noted above, it is believed that claim 12 is patentable over the cited art for at least the reasons described above. Thus, it is believed that claims 13, 14 and 16 are patentable in their present form.

In light of the remarks and amendments herein, it is respectfully submitted that claims 12-16 are patentable over the cited art and are in condition for allowance.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

THIS CORRESPONDENCE IS BEING
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Respectfully submitted,



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